

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

x

THE BOARD OF TRUSTEES OF THE : Civil Action No. 09-cv-09333-KBF
OPERATING ENGINEERS PENSION :
TRUST, on Behalf of Itself and All Others :
Similarly Situated, :
Plaintiffs, :
vs. :
NOTICE OF MOTION AND LEAD
JPMORGAN CHASE BANK, NATIONAL :
ASSOCIATION, :
Defendant. :
:

x

TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD

PLEASE TAKE NOTICE that Lead Plaintiff, by and through its undersigned attorneys, hereby moves this Court, before the Honorable Katherine B. Forrest, United States District Judge, at the United States District Court for the Southern District of New York, Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, NY 10007, for an order pursuant to Rule 23(e) of the Federal Rules of Civil Procedure: (i) approving the calculations and administrative determinations of Gilardi & Co. LLC (“Gilardi”), the Court-approved claims administrator for the settlement of the above-captioned action, concerning the claims submitted herein; (ii) directing payment of \$16,472.30 out of the Settlement Fund to Gilardi for the balance of its fees and expenses incurred and to be incurred in connection with the administration of the Settlement and the distribution of the Net Settlement Fund; (iii) directing distribution of the Net Settlement Fund, after deduction of the payment requested herein, to Class Members whose Acknowledgement, Receipt, and Release forms (“Acknowledgement”) have been accepted; (iv) authorizing transfer to defendant JPMorgan Chase Bank, through its counsel Paul, Weiss, Rifkind, Wharton & Garrison LLP, of paper copies of Acknowledgement records one year after distribution of the Net Settlement Fund, and authorizing destruction of electronic copies of Acknowledgement records three years after distribution of the Net Settlement Fund; and (v) for such other and further relief as this Court deems appropriate. Lead Plaintiff’s motion is based upon the accompanying Affidavit of Michael Joaquin of Gilardi, the Declaration of Ellen Gusikoff Stewart on behalf of Lead Counsel, and upon all other pleadings and matters herein.

DATED: June 17, 2014

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on June 17, 2014, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I caused to be mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on June 17, 2014.

s/ Stephen R. Astley

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